

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
ALLAN CHIOCCA,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION
)	NO. 19-10482-WGY
TOWN OF ROCKLAND, DEIRDRE HALL,)	
EDWARD KIMBALL, LARRY RYAN,)	
MICHAEL MULLEN, JR., MICHAEL)	
O'LOUGHLIN, RICHARD PENNEY, and)	
KARA NYMAN,)	
)	
Defendants.)	
_____)	

YOUNG, D.J.

March 24, 2022

ORDER

This matter is before the Court on six motions for summary judgment.

At the hearing on March 22, 2022, the Court provided the parties the opportunity to proceed on a case-stated basis to resolve three of their cross motions for summary judgment. Counsel for Allan Chiocca ("Chiocca") and Counsel for the Town of Rockland (the "Town") agreed to proceed case-stated on their cross motions for summary judgment, ECF Nos. 171 & 158, as to count 24 of Chiocca's complaint. Counsel for Chiocca and Counsel for Deirdre Hall ("Hall") agreed to proceed case-stated on their cross motions for summary judgment, ECF Nos. 177 & 189, as to count 3 of Hall's counterclaims, on the issue of liability

only. Counsel for Chiocca and Counsel for Edward Kimball ("Kimball") agreed to proceed case-stated on their cross motions for summary judgment, ECF Nos. 177 & 189, as to count 1 of Kimball's counterclaim, on the issue of liability **only.**

The Court then tentatively ruled in the following manner on each remaining motion for summary judgment.

The motion for summary judgment submitted by the Town and Larry Ryan, Michael Mullen, Jr., Michael O'Loughlin, Richard Penney, and Kara Nyman (the "Town and Board"), ECF No. 158, against Chiocca's claims was tentatively allowed in part and denied in part as follows. The Court tentatively ALLOWED the motion for summary judgment in favor of the Town and Board as to counts 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 22, 23, and 35. Plaintiff Chiocca did not oppose the Town and Board's motion as to these claims. The Court further tentatively ALLOWED the motion for summary judgment in favor of the Town and Board as to counts 20, 25, 29, and 30. The Court tentatively DENIED the motion for summary judgment as to counts 1, 2, 3, 4, 5, 19, and 26. The Court also tentatively DENIED in part the Town and Board's motion for summary judgment as to counts 36 and 37 **only** insofar as Chiocca brings these claims against the individual defendants in their personal capacities; the motion for summary judgment against Chiocca as to counts 36 and 37 is otherwise ALLOWED. Hall's motion for summary judgment, ECF No. 180,

against Chiocca's claims was tentatively allowed in part and denied in part as follows. The Court tentatively ALLOWED the motion for summary judgment in favor of Hall as to counts 9, 11, 15, 19, 21, 23, and 32. Chiocca did not oppose Hall's motion as to these claims. The Court tentatively DENIED the motion for summary judgment as to counts 2, 3, 4, 27, 28, 36, and 37.

Kimball's motion for summary judgment, ECF No. 163, against Chiocca's claims was tentatively allowed in part and denied in part as follows. The Court tentatively ALLOWED the motion for summary judgment in favor of Kimball as to counts 7, 9, 11, 13, 15, 21, and 23. Chiocca did not oppose Kimball's motion as to these claims. The Court further tentatively ALLOWED the motion for summary judgment in favor of Kimball as to count 34. The Court tentatively DENIED the motion for summary judgment as to counts 2, 3, 4, 19, 36, and 37.

The affirmative motion for summary judgment submitted by Chiocca, ECF No. 171, as to count 1 of Chiocca's complaint was tentatively DENIED.

The motion for summary judgment submitted by Chiocca, ECF No. 177, against Hall's counterclaims was tentatively allowed in part and denied in part as follows. The Court tentatively ALLOWED the motion for summary judgment in favor of Chiocca as to count 5. Further, the Court tentatively ALLOWED in part the motion for summary judgment in favor of Chiocca as to count 1

only insofar as Hall brings the claim under Massachusetts General Laws chapter 214, section 1C, but tentatively DENIED the motion to the extent Hall raises a viable common law claim for sexual harassment. The Court tentatively DENIED the motion for summary judgment as to counts 2, 4, and 6.

This order represents the tentative rulings of the Court as stated at the March 22, 2022 hearing. To the extent this order expands upon or conflicts with anything stated at the hearing, this order prevails.

SO ORDERED.

/s/ William G. Young
WILLIAM G. YOUNG
DISTRICT JUDGE